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Door open to CIA's resurgence

*Critics worry that
President Reagan's
executive order will permit
abuses that were curtailed
by the reforms of the '70s.*

By Jim Klurfeld
Newsday Service

WASHINGTON — President Reagan's new executive order governing the intelligence community does not totally unshackle the CIA from the reforms of the 1970s, but it could go a long way toward putting the CIA back in the domestic spying business.

Those who feared that Reagan and his most conservative supporters wanted to do away with almost all the restrictions that were placed on the intelligence community after the scandals of the 1970s said late last week that they were relieved. Compared with the earlier drafts, the order represented only modest changes from the executive order issued by President Jimmy Carter in 1978.

However, to civil libertarians and critics of the CIA, the order has opened dangerous loopholes. The specter of the CIA spying on innocent Americans, opening mail and conducting domestic covert operations was raised by critics such as Rep. Don Edwards (D., Calif.), chairman of the Constitutional Rights Subcommittee.

Edwards and others said that domestic activity by the CIA has the greatest potential for abuse. Under the Carter order, the CIA could investigate innocent Americans inside the United States only if they were willing to cooperate with the CIA.

'Significant' information

Now, under the Reagan order, if there were "significant" information that an American citizen were involved in a foreign-intelligence matter, the CIA could pursue the case inside the United States even if the person were not suspected of wrongdoing. That person's personal records could be examined, and he could be followed.

Intelligence legal experts said a key question will be who determines what is "significant" information. The order seems to indicate that the finding will be made by the CIA and the attorney general.

Under the new order, for instance, an American professor who studied in the Soviet Union for one year could be subject to investigation if his subject involved something of interest to the agency. Under the old order, the CIA would have had to ask for the professor's cooperation.

There was also concern that the new order would allow increased surveillance of Americans overseas. Under the old order, a person's involvement in a matter of foreign intelligence had to be established before surveillance could be authorized. Under the Reagan order, even the possibility of involvement would justify surveillance.

In the earlier drafts of the Reagan order, however, there were no prohibitions to domestic or overseas surveillance. That approach was rejected not only by members of the American Civil Liberties Union (ACLU) but also by many in the intelligence community who feared that too broad a mandate might lead to more of the abuses of the past.

Question of intent

The new order specifically would allow special activities — covert operations — inside the United States as long as the operations were not intended to influence U.S. political processes, public opinion, policies or media. Critics said that "intention" would be difficult to define. Under the old order, domestic covert activities were banned.

The executive order was part of the Reagan administration's attempt to revitalize the intelligence community and give it a more active role in foreign policy. The administration has not only been easing restrictions on the intelligence agencies but increasing their budgets and manpower and ending almost all of their contact with the press and public.

Next year there will be an attempt to make revealing the name of an intelligence official a crime and, in a bill sponsored by Sen. Alfonse D'Aмато (R., N.Y.), an attempt to exempt the CIA from the Freedom of Information Act.

The Reagan executive order replaced a Carter order that liberals criticized as much too broad. The order does not have to be approved by Congress.

First step

The issuing of the executive order was only the first step, however. There was agreement Friday night among intelligence experts that an equally important step would be the establishment of specific guidelines and regulations to implement the order. There could be a very significant difference between a strict interpretation and a broad interpretation, Berman and others said.

And there is likely to be a fight between Congress, which wants to be involved in shaping those guidelines, and the agency, which believes that is purely an executive matter.

Sen. Daniel P. Moynihan of New York, ranking Democrat of the Senate Select Committee on Intelligence, said he believed that the order made it clear the mission of the CIA is overseas. However, Moynihan acknowledged that there could be problems in implementation.